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SERVICE OF PROCESS—JURISDICTION IN PERSONAM OVER NON-RESIDENT.—*KANE v. STATE OF NEW JERSEY* (1916) 37 SUP. CT. REP. 30.—By the laws of New Jersey (N. J. Laws, 1908, pp. 613) a non-resident is required to register his automobile, pay a license fee, and file with the secretary of state a duly executed instrument constituting that official his attorney upon whom all original process in any action or legal proceedings brought against him and arising out of the operation of the automobile within the state, may be served. *Held*, that in an action *in personam*, jurisdiction could be obtained by such service of process on the secretary of state.

The long tradition of English law has been that service on a defendant must be formal and personal. Accordingly, in the absence of any express power given by the principal authorizing his agent to accept service, jurisdiction over the principal cannot be effected by service on the agent, however great his authority may be with reference to the business of the principal. *Piggot, Foreign Judgments*, Part I, p. 283; *Conley v. Mathieson Alkaline Works* (1902) 190 U. S. 406; *Martin v. New Trinidad L. A. Co.* (1904) 130 Fed. 394. A personal judgment against a non-resident who has not been served within the state, and who has not appeared or assented expressly or impliedly to the mode of constructive or substituted service adopted, is invalid even in the state where rendered. *Laughlin v. La. & N. O. Ice Co.* (1883) 35 La. Ann. 1184; *Freeman v. Alderson* (1886) 119 U. S. 188; *Pennoyer v. Neff* (1877) 95 U. S. 714. Service of process is within legislative control, subject, however, to constitutional limitations. *Thomas v. Mahone* (1872) 9 Bush (Ky.) 111; *McCauley v. Fulton* (1872) 44 Cal. 355. A state statute authorizing service of summons in an action *in personam* upon the agent of a non-resident, where the agent has not been appointed to accept service, would violate the requirement of due process of law. *Brooks v. Dunn* (1892) 51 Fed. 138; *Moredock v. Kirby* (1902) 118 Fed. 184; *National Bank v. Peabody* (1883) 55 Vt. 492. However, jurisdiction of the person may be conferred by consent. *Brown v. Woody, Adm'r.* (1876) 64 Mo. 547; *cf. Wilson v. Seligman* (1892) 144 U. S. 41; *Pennoyer v. Neff, supra*. A common example of this is found where foreign corporations do business in a state which requires them to appoint an agent for service of process before allowing them to transact business within the state. The law may, and ordinarily does, designate this agent or officer on whom process is to be so served. *State v. St. Mary's Franco-American P. Co.* (1905) 58 W. Va. 108; *Woodward v. Mutual Reserve Life Ins. Co.* (1904) 178 N. Y. 485. In the principal case the state had the power to exclude motorists until they consented to reasonable regulation and paid the license fee. *Kane v. New Jersey* (1911) 81 N. J. L. 594; *Hendrick v. Maryland* (1915) 235 U. S. 610. It seems that reasonable regulation permits a stipulation for service of process on a designated agent, the secretary of state.

A. S. B.

WILLS—DEVISE TO DECEASED CHILD—RIGHTS OF DEVISEE'S CHILDREN.—*KEHL v. TAYLOR ET AL.* (1916) 114 N. E. (ILL.) 125.—The statute of Descent of Illinois (Hurd's Rev. St. 1915-16, c. 39) sec. ii, provided that when a devisee, being a child or grandchild of testator, should predecease